

### **Remarks**

This amendment is in response to the office action dated November 17, 2008. Claims 1, 4, and 5 have been amended, claims 2, 12-17 have been canceled, claim 22 has been added and paragraph [0008] of the specification has been amended.

The drawings have been objected to for not showing several features claimed in claims 12-14. Claims 12-14 have been canceled, therefore Applicant respectfully requests the withdrawal of the objection to the drawings.

Claims 1-11 and 16 have been rejected under 35 U.S.C. 102(b) as anticipated by US Patent No. 1,922,456 to Powell, hereinafter "*Powell*." Applicant respectfully requests reconsideration in view of the following remarks.

Claim 1 now recites that the compartment defines an elongate hollow cavity sized to receive the drawer, the cavity bounded by an upper wall, a lower wall, and opposed side walls and having a forward open end to facilitate partial withdrawal of the drawer and a rear end which cooperates with a closure element wherein when the drawer is in the retracted position the closure element is spaced from the compartment rear end to allow communication with the cooling means and when the drawer is in the extended position the closure element sealingly engages the rear end of the compartment to isolate it from the cooling means and other compartments.

The invention of *Powell* does not contain discrete compartments for each of the drawers; rather the drawers are supported on runners such that when a drawer is extended the drawer below it will be in communication with the space vacated by the drawer. The drawer below the extended drawer is in communication with the cool air reservoir, allowing warm air to enter the cool air reservoir and other drawers. *Powell* discloses an apparatus where a ram 29 contacts a louver 21, where the louver is connected to the side walls by trunnions 24, 25. The louver has weights at the bottom to bias it towards a vertical orientation when the drawer is

extended. When the drawer is extended, the louver assumes a vertical orientation but does not seal the space vacated by the drawer from cooling means. Even if there were bottom walls for each drawer, the invention of *Powell* still wouldn't teach a sealed compartment due to the nature of the cooperation between the louver and drawer. Since the louver is supported by trunnions, when the drawer is extended a gap opens between where the bottom wall would be and the louver, after the louver assumes a vertical orientation. This can be seen in Fig. 3, where there is a clear gap between the louver and the runners where warm air could enter the cool air reservoir. In fact, there is another gap above the top of the louver where warm air could also enter.

In contrast, the invention of claim 1 creates a sealed off compartment when the drawer is extended. The closure element 17 moves to a closed position that is sealingly engaged with the rear end of the compartment. Therefore the relatively warm air that enters the compartment when the drawer is extended is contained by the lower wall of the compartment, the sides walls, the upper wall of the compartment, and the closure element. When the drawer is retracted, the warm air cannot enter the plenum of cool air. In *Powell*, the warm air could easily enter the cool air reservoir or the drawer below it when a drawer is retracted.

Accordingly, Applicant submits that claim 1 is not anticipated by *Powell*. Claims 3-11 depend on claim 1 and are therefore patentable for at least the same reasons as above. Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. 102(b) to claims 1-11.

Claims 12-14 have been objected under 35 U.S.C. 103(a) as being unpatentable over *Powell* in view of US Patent No. 6,170,276 to Mandel. Claims 12-14 have been canceled, therefore Applicant requests the withdrawal of the rejection to said claims.

Claims 15 and 17-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Powell* in view of US Patent No. 2,444,887 to Wyeth, hereinafter "*Wyeth*." Claims 15 and 17 have been canceled and claim 18 is dependent from claim 1. *Wyeth* does not

teach the deficiencies of *Powell*, specifically it does not teach a closure element which sealingly cooperates with a compartment wall to isolate a cooling means from the compartment. *Wyeth* teaches drawers that have perforate bottoms 20, which would prevent any such seal. Accordingly, Applicant respectfully submits that claim 18 is patentable over *Powell* in view of *Wyeth* and requests the withdrawal of the rejection under 35 U.S.C. 103(a) to said claim.

Claim 22 has been added and is dependent on claim 1. As shown above, claim 1 is patentable over *Powell*, therefore claim 22 is patentable for at least the same reasons.

Reconsideration and reexamination of the application is respectfully requested. Applicant has made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicant believes that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is requested to telephone the undersigned at his convenience.

Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,  
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